

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

MUEBLERIA PROVINCIAL, INC.

Debtor

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Case No: 10-01625 (BKT)

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Chapter 11

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**UNITED STATES TRUSTEE'S OBJECTION TO APPLICATION
FOR APPOINTMENT OF ATTORNEY**

TO THE HONORABLE COURT:

COMES NOW Donald F. Walton, the United States Trustee for Region 21 (the "United States Trustee"), and pursuant to 28 U.S.C. § 586(a) and § 307 of the Bankruptcy Code, respectfully states and prays as follows:

1. On March 15, 2010, Debtor filed an *Application for Appointment of Attorney* pursuant to 11 U.S.C. § 327 (the "Application") seeking to obtain authorization to employ Jesús Santiago Malavet, Esq., as its attorney in the captioned case (Dkt. #8). A *Verified Statement* submitted by attorney Santiago Malavet was included.
2. In the Application, the Debtor stated that attorney "Jaime L. Velasco Bonilla will assist attorney Jesus Santiago Malavet during his employment in representing debtor, as an associate of the firm" (Emphasis added).
3. In light of the above, the United States Trustee contacted attorney Velasco Bonilla to inquire about his professional relation with attorney Santiago Malavet. Attorney Velasco Bonilla informed the United States Trustee that he is not an associate of attorney Santiago Malavet or his law firm. Therefore, Debtor's proposal does not comply with Fed. R. Bankr. P. 2014(b).

4. In addition, P.R. LBR 1001-1(f) provides that failure to comply with those Rules "may result in sanctions which may include... denial of the relief sought, as the court in its

discretion deems appropriate.”

5. P.R. LBR 2014-1(a) provides that the application to employ a professional, including an attorney, “must include all of the information required by Fed. R. Bankr. P. 2014(a).”

6. Fed. R. Bankr. P. 2014(a) provides that the application for employment “shall state... all of the person’s connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants...”. The United States Trustee respectfully submits that Debtor failed to comply with Fed. R. Bankr. P. 2014(a) inasmuch as the Application does not include such disclosure.

7. P.R. LBR 2014-1(a) also provides that the application to employ a professional, including an attorney, “must include the *curriculum vitae* of the professional to be employed.”

8. The United States Trustee respectfully submits that Debtor failed to comply with P.R. LBR 2014-1(a) inasmuch as the *curriculum vitae* of attorney Santiago Malavet was not submitted with the Application.

9. In addition, P.R. LBR 2014-1(a) provides that in “...a Chapter 11 case, the trustee or debtor in possession **must sign** the application to employ an attorney.” (Emphasis added).

10. The Debtor also failed to comply with this requirement inasmuch as the Application was not signed by its representative.

11. Finally, the United States Trustee submits that the Verified Statement submitted by Jesús Santiago Malavet, Esq., failed to make the disclosures required by P.R. LBR 2014-1(a)(2), (a)(4), (a)(5), (a)(6) and (a)(7).

12. For all the above stated reasons, the United States Trustee objects to the approval of the Application.

WHEREFORE, the United States Trustee respectfully requests that this Honorable Court enter an Order denying the Application filed on March 15, 2010, and enter such further relief as deemed just and proper.

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this day I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

MONSITA LECAROZ ARRIBAS

ustpregion21.hr.ecf@usdoj.gov

JESUS SANTIAGO MALAVET

smslopsc@yahoo.com,
chu1t0@yahoo.com

US TRUSTEE

ustpregion21.hr.ecf@usdoj.gov

I DO HEREBY FURTHER CERTIFY that on this same date a true and exact copy of the foregoing has been sent by regular United States mail to the Debtor, **Muebleria Provincial, Inc.**, through its President, **Amilcar L. Cintron Lugo**, PO Box 353, San German, PR 00683.

DATED: March 29, 2010.

DONALD F. WALTON
United States Trustee for Region 21

MONSITA LECAROZ ARRIBAS
Assistant United States Trustee

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(Electronically Filed)

By: s/ José Carlos Díaz-Vega

José Carlos Díaz-Vega
Trial Attorney
USDC-PR # 213607